

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.622(i),  
Final DTV Table of Allotments,  
Television Broadcast Stations.  
(Wittenberg, Wisconsin)

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MB Docket No. 08-136  
RM-11468

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: September 22 , 2008**

**Released: September 26 , 2008**

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a petition for rulemaking filed by Davis Television Wausau, LLC (“Davis”), the licensee of station WFXS(TV), DTV channel 50, Wittenberg, Wisconsin. Davis requests the substitution of DTV channel 31 for its assigned DTV channel 50 at Wittenberg. Davis filed comments in support. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 31 for DTV channel 50. Davis’s ability to maximize on Channel 50 is hampered due to its need to protect co-channel station WISC-DT, Madison, Wisconsin. Operation on DTV channel 31 will permit station WFXS(TV) to reach an additional 124,000 persons over an additional 9,410 square kilometers.

3. DTV channel 31 can be substituted for DTV channel 50 at Wittenberg, Wisconsin, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) of the Commission’s rules,<sup>2</sup> at coordinates 45-03-22 N. and 89-27-54 W. Concurrence from the Canadian government has been obtained for this allotment. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission’s rules<sup>3</sup> with the following specifications:

State and City	DTV Channel	DTV Power (kW)	Antenna HAAT(meters)	DTV Service Pop. (thous.)
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Wittenberg, WI	31	740	325	502
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4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission’s rules, IT IS ORDERED, That effective 30 days after date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission’s rules,

<sup>1</sup> *Wittenberg, Wisconsin*, DA 08-1600 (released July 8, 2008).

<sup>2</sup> 47 C.F.R. § 73.625(a).

<sup>3</sup> 47 C.F.R. §§ 73.616, 73.623.

IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
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Wittenberg, Wisconsin	31
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5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Davis Television Wausau, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 31 in lieu of DTV channel 50 for post-transition use.

6. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning the proceeding listed above, contact David J. Brown, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau